

Serial No.: 10/588,655  
Atty. Docket No.: P71361US0

**REMARKS**

The Office Action mailed July 8, 2008, has been carefully reviewed and, by this Amendment, Applicant has amended claims 1-9 and added claims 10-20. Claims 1-20 are pending in the application. Claims 1 and 12 are independent.

The Examiner objected to the abstract as containing informalities which Applicant has corrected herein.

The Examiner rejected claims 1-9 under 35 U.S.C. 112, second paragraph, as being indefinite. By this Amendment, Applicant has brought the claims into conformity with 35 U.S.C. 112, second paragraph. Favorable reconsideration and withdrawal of the rejection is requested.

The Examiner rejected claims 1-9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,396,599 to O'Brien.

As set forth in amended claim 1 and new claim 12, the present invention is directed to a pair of underpants having a front part, a back part, a crotch part and two leg holes delimited by the parts. The crotch part and the front part can be joined or separated by a releasable connection having two parts that join when in a closed condition to connect the crotch part to the front part and that separate when in an open condition. The releasable connection extends from one leg hole to the other so that, in the

Serial No.: 10/588,655  
Atty. Docket No.: P71361US0

open condition, an opening of sufficient size is formed in the crotch area to enable the wearer to use the toilet without removing the underpants. To prevent the area where the two parts are joined in the closed condition from chafing the wearer or otherwise causing discomfort, a flexible protection element is provided that at least partly covers the releasable connection in the closed condition to increase wearer comfort. This is not shown by the prior art.

O'Brien discloses a detachable crotch piece 21 for an undergarment 10. The edges of the crotch piece and of the adjacent edges of the undergarment are provided with spaced loops 40, 41 that, when aligned in an alternating arrangement, can be threaded with a strap or cord 35, 42 that secures the crotch piece to the undergarment. The crotch piece may thereafter be removed by pulling out the cord, thus releasing the loops from one another.

Clearly, the strap or cord 35, 42 is part of the releasable connection used to join the crotch and the undergarment. As such, it does not constitute a flexible protection element which partially covers the releasable connection in the closed condition to increase wearer comfort as claimed herein. Favorable reconsideration and allowance of claims 1 and 12 is therefore requested.

Serial No.: 10/588,655  
Atty. Docket No.: P71361US0

Claims 2-11 and 13-20 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By Harvey B. Jacobson, Jr.  
Harvey B. Jacobson, Jr.  
Reg. No. 20,851

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
Telephone: (202) 638-6666  
Date: October 6, 2008  
HBJ:SCB

R:\SBAILEY\2008\10-08\P71361US.amd